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PATENT
Customer No. 22,852
Attorney Docket No. 08731.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Mark H. PAUSCH *et al.*) Group Art Unit: 1646
)
Application No.: 09/786,033) Examiner: D. JIANG
)
Filed: March 1, 2001)
)
For: METHODS FOR IMPROVING THE)
FUNCTION OF HETEROLOGOUS)
G-PROTEIN COUPLED)
RECEPTORS)

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Commissioner for Patents and Trademarks
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In a Restriction Requirement/Notice of Lack of Unity dated October 1, 2002, the Office restricted the claims of this application into 18 Groups. The characterization of the claims, as set forth in the Groups, is based on the claims that were originally submitted in the PCT application. However, the present National Stage application contains amended claims, which were submitted as an Annex at the beginning of the application. A copy of the Annex is attached.

Because the Restriction Requirement/Notice of Lack of Unity is based on claims that are not currently pending in this application, it was issued in error. Furthermore, because the Restriction Requirement/Notice of Lack of Unity is based on claims that are not pending in this application, Applicants are unable to elect a Group for prosecution.

In a telephone conference between the Examiner and Applicants' undersigned

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representative on October, 17, 2002, the Examiner indicated that a response by Applicants that the Restriction Requirement/Notice of Lack of Novelty was based on the wrong claims would be considered responsive.

In view of the fact that the Restriction Requirement/Notice of Lack of Unity is improperly based on claims that are not pending in this application, Applicants respectfully request that the Office withdraw it and examine pending claims 1-38.

Please grant any extensions of time required to enter this Response, and charge any required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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Date: October 17, 2002

Attachment:
Annex

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